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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,711	03/31/2004	Craig John Jerry	0201.00009	7427

7590
Bliss McGlynn P.C.
Suite 600
2075 West Big Beaver Road
Troy, MI 48084

EXAMINER

BRADFORD, CANDACE L

ART UNIT	PAPER NUMBER
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3634

MAIL DATE	DELIVERY MODE
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02/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/813,711

Applicant(s)

JERRY, CRAIG JOHN

Examiner

CANDACE L. BRADFORD

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/30/07 amendment.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7,8,10,12-18,20 and 22-31 is/are rejected.
- 7) ☐ Claim(s) 3,6,9,11,18,21 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 10, 12-14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Lichy (5482104). Lichy discloses a door assembly 10, a flexible curtain 196, made of a pliable material capable of closing a doorway, having upper and lower ends and two opposite side edges, as best seen in Figure 1, a curtain winding mechanism 70, attached to the upper end of the curtain for raising the curtain by rolling, two straight, extruded flexible guide members 186, made of metal with resilient wall sections 188,190, having an inwardly projecting rib 210, 212, the two ribs form an elongated concave slot/split curve socket through which one of the side edges of the curtain can extend during use of the curtain, guide members are mounted to extend vertically on opposite vertical sides of the doorway during use of the door assembly, and a base 192, each guide member integrally connected to and joins the inner and outer wall sections, with a plurality of threaded fasteners holes formed therein and longitudinally spaced along the guide member, and wherein the door assembly includes threaded fasteners/screw 194, and subsequent holes for mounting the guide members on support surfaces and threaded fasteners in use extending into and engaging said threaded fastening holes, as best seen in Figures 1 and 17, two side edge sections of the curtain being movable in a respective guide member when the curtain is raised or lowered during use, spaced apart pairs of curtain lock members 198, 200, mounted on

and distributed along each side edge section of the curtain, the lock members of each pair being positioned opposite one another on the front and rear surface of the curtain respectively, with at least two screws 194, and subsequent holes and the lock members of each pair are mounted on the respective side edge sections and are connected to each other by at least two screws that extend through or into the screw holes of the respective lock members, as best seen in Figure 1, the combined thickness of each pair of the lock members and said curtain material exceeding the width of the elongated slot so that pairs of lock members prevent the side edge sections of the curtain from escaping out of the guide members under normal windload or pressure conditions, wherein some curtain lock members engage with the ribs of the their respective guide members when an excessive windload or impact is put upon the curtain and this engagement causes the wall section of at least one guide member to separate from each other and thereby release the respective side edge section from at least one guide member with little if any damage to the curtain or guide members, a rigid bottom bar 22, mounted on a lower end of the curtain, having opposite ends which are located within the doorway and horizontally inwards from the guide members during use of the door assembly, where at least one pair of lock members is mounted on the each side edge of the curtain at a location horizontally outwardly from a respective adjacent end of the bottom bar, when the door is in use as best see in Figure 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 7, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lichy (5482104) as advanced above. Lichy as advanced above fails to disclose (a) curtain lock members with a round exterior body (see claim 2), (b) dimensions (see claim 15). With respect to (a) it would have been obvious to one of ordinary skill in the art, as a matter of engineering design choice, to provide a curtain lock member with a rounded exterior, while producing no new and unexpected results. With respect to (b), it would have been obvious to one of ordinary skill in the art, as a matter of engineering design choice, to provide various dimensions of the guide slot, so as to allow for various sizes of curtains to be used.

Claims 8 and 24-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lichy (5482104) as applied to claims 1, 4, 5, 10, 12-14, and 16 above, and further in view of Indoe (5747738). Lichy fails to disclose a wear resistant material. Indoe discloses a wear resistant material made of polyvinyl chloride, as recited in column 3, line 60, affixed to both sides of the curtain, as best seen in Figure 2. The use of wear resistant materials is commonly used in the art to protect the door curtain against constant and excessive wear as it operates within the guide members. Therefore, it would have been obvious to one of ordinary skill in the art to provide the door curtain assembly of Lichy with a wear resistant material as taught by Indoe so as to protect the door curtain against constant and excessive wear as it operates within the guide members.

Claims 17, 20, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lichy (5482104) as applied to claims 1, 4, 5, 8, 10, 12-14, 16 and 24-31 above, and further in view of Indoe (5747738). Lichy as advanced above fails to disclose curtain lock members with a

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round exterior body (see claim 2), at least one hole for a mechanical fastener form in the main body, and a wear resistant material.

With respect to curtain lock members with a round exterior body, it would have been obvious to one of ordinary skill in the art, as a matter of engineering design choice, to provide a curtain lock member with a rounded or tapered exterior, while producing no new and unexpected results. It would have been further obvious to one of ordinary skill in the art, as a matter of engineering design choice, to provide various dimensions of the guide slot, so as to allow for various sizes of curtains to be used.

Indoe discloses a wear resistant material made of polyvinyl chloride, as recited in column 3, line 60, affixed to both sides of the curtain, as best seen in Figure 2. The use of wear resistant materials is commonly used in the art to protect the door curtain against constant and excessive wear as it operates within the guide members.

With respect to the pins and corresponding holes as connection means of the mechanical fasteners, the use of pins are commonly used in the art to provide additional securing assistance in holding or securing curtain locks in place. Therefore, it would have been obvious to one of ordinary skill in the art to provide pins as a connection means to art to provide additional securing assistance in holding or securing curtain locks in place.

Therefore, it would have been obvious to one of ordinary skill in the art to provide the door curtain assembly of Lichy with a wear resistant material as taught by Indoe so as to protect the door curtain against constant and excessive wear as it operates within the guide members.

Allowable Subject Matter

Claims 3, 6, 9, 11, 18, 21 and 32 are objected to as being dependent upon a rejected base claim, but may be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The primary reason for the allowable subject matter of claims 3 and 18 is the inclusion of a curtain lock member with a flat winged section connected to a side of the main body adapted to extend outwardly through the slot during use of the door assembly. The primary reason for the allowance of claim 6 is the inclusion of at least two screw holes and lock members mounted on their respective edges and connected by at least two screws that extend through or into the screw holes of the lock member. The primary reason for the allowable subject matter of claim 11 is the inclusion of a plurality of pins projected into the side edge of the curtain to hold the member in place. The prior art of record fails to teach or suggest the claimed features absent the applicant's own disclosure. The primary reason for the allowable subject matter of claim 9 is the inclusion of the curtain lock member with two counter-bored screw holes for mounting the lock member to the curtain by mean of screws.

Response to Arguments

Applicant's arguments filed 7/30/07 have been fully considered but they are not persuasive. The applicant's attention is drawn to page 16 of the remarks. The applicants states that the guide members of Lichy '104 are not flexible. As recited in column 7, lines 42 and 43 the guide members can be made of plastic, which is commonly know in the art as a flexible material. The applicant states that the ribs do not form an elongate split socket arrangement. As best seen in the attached Figure 17. The ribs 210, 212 have a concave with a splits socket arrangement. The applicant states the reference does not disclose spaced apart pairs of curtain lock members. The examiner would like to point out that a pair of curtain lock members 198,

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200 are located on both sides of the curtain. The applicant states that the lock members must be positioned opposite one another on the front and rear surface. As best seen in attached Figure 17 the lock members 198, 200 are positioned opposite one another. The applicant states that the lock member of the Lichy '104 reference are staggered. The examiner would like to point out that the claim states that they are opposite, which they are, as best seen in Figure 17, as they are located on opposite sides of the curtain. The applicants states that the ribs must engage the lock members. It should be noted that the objects are engaged, being as though they are touching. The lock members 198, 200 are capable of engaging the ribs 210, 212 located in their respective guide members during use. The applicant's attention is drawn to page 19 of the remarks. The applicant states that claim 2 would not be obvious in light of the teachings of Lichy '104. The examiner would like to state in very of the obvious statement above the curtain lock member could have a slightly rounded exterior surface while still functioning in the same way. The applicant attention is drawn to page 20 of the remarks. The applicant states the Indoe' 738 reference is not relevant to either the door assembly of claim 8 or the door curtain of claim 24. The Indoe reference was used by the examiner to demonstrate that it was obvious to have various wear resistant materials to protect door or wall, as recited above.

Conclusion

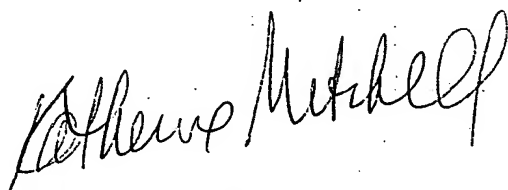
Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDACE L. BRADFORD whose telephone number is (571)272-8967. The examiner can normally be reached on 9am until 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-8967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Candace L. Bradford
Patent Examiner
Art Unit 3634
January 27, 2008

A handwritten signature in black ink, appearing to read "Katherine Mitchell", is written over a light gray grid background.

Katherine Mitchell
Primary Examiner